

Chapter	8
Section	8.01
Title	Weapons Systems/Use-Of-Force
Subject	Use of Less-Lethal Force
Effective Date	03/01/1988
Revision Date	UNDER REVISION
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

Chapter	8
Section	8.02
Title	Weapons Systems/Use-Of-Force
Subject	Taser
Effective Date	01/01/1997
Revision Date	12/20/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. Purpose

The purpose of this policy is to establish guidelines for Taser deployment and use by Department personnel.

II. Policy

- A. It is the policy of the Department to deploy and use Tasers when reasonable to effect compliance or control combative persons, or possibly non-combative persons in certain situations. Tasers shall be used in a manner which attempts to maximize the safety of all individuals involved in the incident. Tasers shall not be used punitively on subjects who are compliant or who are not physically resisting Department personnel.
- B. The Taser is a less-lethal weapon designed to disrupt a subject's central nervous system by means of deploying battery-powered electrical energy sufficient to cause uncontrollable muscle contractions and override an individual's voluntary motor responses.
- C. A Taser may only be utilized by authorized and trained Department personnel. Only Department-supplied Tasers are authorized to be carried and deployed by Department personnel. All front-line personnel assigned to patrol are required to carry the taser on their person.
- D. When practical, a verbal warning shall be given that force is going to be used if the subject does not comply with the officer(s)' commands. The subject's actions and circumstances of the situation will determine practicability.
- E. This policy is not to be construed to require that an officer attempt to utilize or exhaust other tactics, to attempt to gain compliance or control of a subject, prior to deployment of the Taser.

- F. The Taser is prohibited from being used:
1. In a punitive manner
 2. On a handcuffed/secured prisoner, absent overtly assaultive behavior that may be reasonably dealt with in any other less intrusive fashion.
 3. On any suspect who does not demonstrate or manifest an intention to use force or violence against the officer or another person.
 4. In any environment where an officer reasonably knows that a potentially flammable, volatile, or explosive material is present, such as gasoline, lighter fluid, natural gas, or propane.
- G. Consideration should be given before deploying the Taser, when information indicates that a subject may be more susceptible to injury by use of the Taser. This may include, but is not limited to:
1. Pregnant women.
 2. Elderly persons.
 3. Young children.
 4. Persons with known health problems
 5. Individuals operating vehicles or machinery.
 6. Visibly frail persons.
 7. Subjects in an elevated position where a fall may cause substantial injury or death.
- H. The Taser shall be carried and used only by qualified personnel who have completed a training course in its use.
1. Sworn members authorized to carry the Taser will be required to complete initial training and qualification, and bi-annual training and re-qualifications thereafter.
 2. The Taser shall be carried in an approved holster on the support side (opposite the gun side) of the body. Authorized personnel not assigned to uniformed patrol may utilize other Department-approved holsters and carry the Taser consistent with this policy.
 3. The Taser shall be carried fully armed with the safety on, in preparation for immediate use as authorized in this policy. The Taser shall not be loaded or unloaded within the police facility, unless pointed over a clearing tube or drum.
- I. Primary targeting of the Taser should be the center mass of a subject's back where reasonably possible. In frontal applications lower center mass below the sternum in an attempt to split the belt line should be targeted.
1. Once the Taser is fired, the officer shall energize the subject for an initial five (5) second deployment cycle, and no more than two (2) additional five (5) second deployment cycles, for a total of three (3) (5) second cycles.
 2. In no case shall additional deployment cycles be activated once the legitimate operational objective had been accomplished. Each separate deployment cycle shall be documented and justified.
 3. The subject should be secured as soon as practical while disabled by the Taser to minimize the number of deployment cycles.

4. All intentional discharges of the Taser shall be reported as soon as practical to an on-duty sergeant and documented. Sergeants shall photograph any injuries resulting from the Taser discharge and the officer shall detail the incident in a police report.
 5. All subjects who have been exposed to a Taser application should receive a medical evaluation by emergency medical responders. Medical treatment for exposed subjects shall be rendered as soon as practical.
 6. Accidental discharges of the Taser shall be reported immediately to an on-duty supervisor.
- J. The Taser may be used in certain circumstances in a direct contact mode, referred to as a “touch-stun”, “drive-stun”, or three point “drive-stun” where a dart(s) has connected to target but are ineffective. “Touch-stun” or “drive-stun” mode involves removing an unexpended cartridge, or leaving an expended cartridge in the Taser, and pressing the Taser’s cartridge port directly against an approved area of a subject’s body. A three point “drive-stun” involves touching the expended cartridge to an approved body part of the subject furthest away from the connected darts as practical to accomplish neuromuscular incapacitation.
1. When using these modes, it is important to remember the approved body areas for Taser contact include arms, legs, back, and stomach. Special care should be taken when targeting sensitive areas of the body.
 2. In the touch-stun or drive-stun mode the Taser personnel should be aware that:
 - a. Such use is for pain compliance due to lack of probe spread.
 - b. The Taser is minimally effective compared to conventional cartridge deployment. Direct contact mode does not cause neuromuscular incapacitation. Direct contact mode will likely increase the fight or flight response in an exposed subject.
 - c. Deployment in this mode is subject to the same guidelines as cartridge deployment.
- K. Tactical considerations
1. Personnel deploying the Taser operationally, if feasible, should be supported by at least one officer capable of providing immediate cover.
 2. No individual should simultaneously draw and hold a Taser and any firearm.
 3. The Taser shall be carried in an approved holster on the non-firearm side of the body.
 4. Officers should not intentionally aim for the head, neck, genitalia, or upper center mass of a subject’s chest. Dart to heart distances should be considered for all frontal deployments.
 5. Department personnel are not authorized to remove Taser darts from suspects. If the darts are not removed by paramedics on scene or by medical personnel at the hospital, then a LEMS nurse should be called to respond and remove the darts.

L. Taser Maintenance

1. Authorized personnel shall be responsible for adherence to policy and maintaining assigned Taser weapons in a serviceable condition.
2. Equipment malfunctions and unserviceable cartridges are to be reported to the on-duty sergeant as soon as practical, so replacement equipment can be procured. A small supply of batteries and cartridges will be provided and stored in the Watch Commander's safe.
3. Prior to going into the field, authorized personnel should conduct a spark test over an approved container. Battery readings below 20 should be replaced immediately.

Chapter	8
Section	8.03
Title	Weapons Systems/Use-Of-Force
Subject	Pepperball Launcher System
Effective Date	02/21/2007
Revision Date	11/21/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. Policy

The Pepperball Launcher System is a very low level, non-lethal, defensive weapon used to minimize the potential for injuries to officers, citizens, and offenders.

II. Pepperball Launcher System

- A. Purpose: The Pepperball Launcher System is essentially a compressed air powered modified paint ball gun. It holds over 150 rounds of .68 caliber plastic spheres which contain fine powdered oleoresin capsicum. Each sphere delivers about 10 ft. lbs. of energy from 0-60' and 3 grams of OC. It is suitable for close distance as well as extended range use as a kinetic energy impact device and a OC distribution system.
 1. This department maintains Pepperball Launcher Systems as a non-lethal means of de-escalating riot situations, suicide prevention, and subduing violent individuals who exhibit a threat to themselves or others.
- B. Restrictions: The effective range as an impact device is 0-60'. The launcher can be used as an OC distribution system from up to 150' away. Head, neck, and spine areas should not be targeted unless the situation escalates to deadly force usage. The launcher is safe at point blank range. Glass shattering rounds should not be directed at any subject.
- C. Usage

In any use of force, it is usually best to start out with the lowest level of force possible to resolve a given situation. With pepperball, in most cases, that means attempting to get a suspect to comply with PAVA powder exposure first, and if necessary, then applying kinetic impact directly on the suspect. When practical, prior to pepperball deployment a verbal warning shall be given. The subject's actions and circumstances of the situation will determine practicability.

- D. The Pepperball Launching System will be carried and used only by trained operators who have completed an orientation course on its use.
- E. All checks of the system shall be conducted using a safety barrel.
- F. Reporting: All discharges of the system shall be reported in the police report on the incident.
- G. Treatment: Subjects exposed only to PAVA should be afforded the same first aid described in Chapter 4, Section 3.5. Subjects struck with a projectile will generally have a bruise or welt that will not require medical care. As with all use of force incidents, if it appears a serious injury may have occurred, it may be appropriate to have paramedics respond for treatment and transportation to a medical facility.

Chapter	8
Section	8.04
Title	Weapons Systems/Use-Of-Force
Subject	Stunbag
Effective Date	06/20/2005
Revision Date	07/18/2016
Revised By	Officer M. Beauchamp
Authorized By	Chief Brian P. Johnson

I. Purpose

The Safariland/Defense Technology 12 Gauge Drag Stabilized stunbag round is a double-walled bag constructed of ballistic material blended with cotton to prevent the bag from tearing. The hull is transparent and labeled (drag stabilized beanbag).

It is an extended range impact device, which is designed to be non-penetrating and to collapse when contacting the target. The shot then acts as a fluid medium, distributing the kinetic energy over a wider area than a solid projectile. The impact creates a shock wave, which travels through the body ideally incapacitating the suspect with a less likelihood of death or serious injury. The stunbag is considered a less lethal weapon. This means, however, it still has the capability of causing serious injury or death and must be seen as a serious use of force. The Department maintains 12 gauge stunbag rounds as a less lethal option of de-escalating riot situations, suicide prevention, and subduing violent individuals who exhibit a serious threat to officers or citizens.

II. Restrictions

The effective range of the rounds is 30 to 75 feet. If used at a distance of less than 30 feet, the legs should be targeted. Head and neck areas should not be targeted at any distance unless the situation escalates to deadly force. It should not be deployed on a person if closer than 10 feet.

III. Policy

- A. Initial training of personnel in the correct use of the 12 gauge stunbag shall be the responsibility of a trained stunbag instructor. No member of this Department will be authorized to carry or use the 12 gauge stunbag without proper certification by a trained stunbag instructor.

- B. 12 Gauge Stunbag Operators. The 12 gauge stunbag will be carried and used only by trained personnel who have completed an orientation course on its use.
- C. There will be one 12 gauge stunbag in the trunk of every odd numbered unit. The stunbag shall be stored in the trunk at all times. The stock of the stunbag shotguns will be bright orange. The weapon shall be carried with the chamber and magazine empty at all times when not in use. The stunbag rounds will be carried on the stock as needed. The stunbag rounds will be inspected at the beginning of every shift to insure proper rounds are secured on the stunbag stock. The stunbag shotguns shall never be loaded with lethal ammunition.
- D. Under no circumstances shall the police unit be left unattended unless the stunbag is secured in the trunk. Stunbags shall never be stored inside the vehicle passenger compartment.
- E. All officers shall, prior to the beginning of their tour of duty, make certain that the stunbag shotgun is in their assigned unit, unloaded, and in operating condition.
- F. All stunbag shotgun inspections shall be conducted utilizing the safety barrel located near the police unit parking area north of the police building.
- G. Malfunction – Officers shall notify their Watch Commander immediately of any malfunction.
- H. Reporting use of the Stunbag – All discharges of the 12 gauge stunbag shall be documented in the police report on the incident and are a reportable use of force.
- I. Treatment of Stunbag Suspects - All persons who have been subjected to the stunbag shall be treated as follows:
 - 1. Once safely in custody, the suspect shall be transported to San Antonio Regional Hospital or other approved contract medical facility for a pre-booking medical exam; or
 - 2. If it appears serious injury may have occurred, involved officer(s) shall request paramedics to respond for treatment and transportation.
- J. When practical, a verbal warning shall be given prior to deployment. The subject's actions and circumstances of the situation will determine practicability. A warning will also alert other officers that a deployment is imminent and will help to avoid sympathetic fire. Officer shall document in their arrest or other report that a verbal warning was given. If not given, officers shall also document why verbal warning was not given.

Chapter	8
Section	8.05
Title	Weapons Systems/Use-Of-Force
Subject	Pepper Spray
Effective Date	02/11/2010
Revision Date	05/01/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. Purpose

The purpose of this policy is to establish guidelines for the use of Pepper Spray by Department personnel.

II. Policy

It is the policy of the Upland Police Department to use pepper spray when reasonable to effect compliance or to control combative persons. Only Department issued pepper spray may be carried. Pepper spray should be used in a manner which will maximize the safety of all individuals involved in the incident. Pepper spray shall not be used punitively on subjects who are compliant.

A. Definition and effects of Pepper Spray

1. The pepper spray utilized is oleoresin capsicum, more commonly referred to as "OC."
2. Pepper spray is an irritant that affects the eyes and mucous membranes.

B. Usage

1. Only those personnel instructed and trained in the use of pepper spray shall deploy it.
2. All sworn uniformed personnel shall carry department issued pepper spray. Plain clothes personnel carrying the Taser shall also carry pepper spray. Detectives shall carry pepper spray when performing a function that would reasonably place them in a position of risk such as arrest warrants, search warrants, etc.
3. When practical, prior to deployment of pepper spray a verbal warning shall be given. The subject's actions and circumstances of the situation will determine practicability.
4. Personnel deploying pepper spray should give 1-2 second bursts with point of aim being the eyes, nose and mouth. To avoid injury to the suspect the pepper spray should be deployed no closer than 18" when

directed at the eyes. This is due to the pressure of the propellant from the canister.

5. After exposure the subject should be given clear verbal instructions to submit to handcuffing and arrest. This will expedite first aid/decontamination.
6. Personnel should administer appropriate first aid/decontamination to affected subjects as soon as practical. Affected areas should be flushed with water and exposed to fresh air.
7. When pepper spray is used on animals, the officer should make a reasonable attempt to notify the owner to prevent cross contamination.

C. Maintenance

1. Pepper spray canisters should be shaken at least once a month and test sprayed in an open area away from individuals and vehicles once every six months. This is to ensure that the canister is working properly.

Chapter	8
Section	8.06
Title	Weapons Systems/Use-Of-Force
Subject	Firearms and Ammunition
Effective Date	03/01/1988
Revision Date	04/24/2019
Revised By	Sergeant Andrew McCullough
Authorized By	Chief Darren L. Goodman

I. POLICY

It shall be the policy of the Upland Police Department to ensure that only authorized firearms and ammunition are carried by on-duty or off-duty sworn members.

II. PROCEDURE

In order that firearms carried be uniform, the following guidelines shall be adhered to:

A. Firearms. All sworn personnel, while on duty, shall carry a Colt or Smith & Wesson .38 Special, .357 caliber revolver, or a Department approved .45 Caliber, .40 Caliber or 9mm Semiautomatic pistol and only Department issued/approved ammunition. For revolvers, the frame shall be medium or heavy duty and capable of safely firing Department issued ammunition under all conditions. The revolver shall be steel blue or black in color, or stainless steel, with factory fixed or factory adjustable sights, having a trigger pull on single action of not less than 2-3/4 pounds. The semiautomatic pistol shall be steel blue or black in color or stainless steel, with factory fixed or factory adjustable sights. The semiautomatic pistol shall not have any modifications performed to any part of the firing mechanisms. All safety devices provided by the manufacturer shall remain intact at all times without modification or alteration. The semiautomatic pistol must have a trigger pull on single action of not less than 3 pounds. Grips on firearms carried by personnel shall be a Department approved plastic, rubber, or wood and walnut, rosewood, mahogany, or black in color. No ornamentation or trigger shoes are permitted. Tritium sights are optional.

1. The primary weapon for sworn personnel, while in uniform, shall be the Department issued Heckler & Koch USP 40, or the optional Department approved .45 caliber, 40 caliber, or 9mm semiautomatic pistol or .38 Special or .357 revolver.
2. Any sworn personnel opting to use other than Department issued weapon must bear the cost of the weapon, holster and other associated leather gear. All weapons, holsters and associated leather gear must be approved by the Chief of Police or his designee prior to use.

3. Plainclothes personnel shall carry the above described revolver with a minimum barrel of 2, and a maximum length of 4", or the optional Department approved .45 caliber, .40 caliber, or 9mm semiautomatic pistol.
 4. The carrying of a firearm while off-duty shall be at the option of the employee; however, all the requirements set forth in this policy, and in Section 8.7 must be complied with.
 5. Exceptions to these rules may be made by the Police Chief.
- B. All sworn personnel, while on duty, may carry a second firearm under the following conditions:
1. The firearm must be an approved handgun that is registered with the Department.
 - a. Registration shall be through a memo to the Training Unit.
 2. The firearm must be checked and certified by the Range master.
 3. The second firearm shall be concealed at all times, including when sworn personnel are in the police building without jackets and carried in an authorized holster or approved manner.
 4. Personnel who elect to carry a second firearm shall comply with training requirements set forth in Upland Police Department Policy Section 8.07.
- C. ALL FIREARMS CARRIED ON-DUTY OR OFF-DUTY SHALL BE SUBMITTED TO THE RANGEMASTER FOR INSPECTION AND APPROVAL PRIOR TO BEING CARRIED. All authorized firearms shall be inspected and approved annually, as scheduled by the Police Training Coordinator.
- D. ALL FIREARMS CARRIED ON-DUTY OR OFF-DUTY MUST BE PROPERLY REGISTERED WITH THE DEPARTMENT PRIOR TO BEING CARRIED.
- E. The carrying of off-duty weapons by probationary officers will be subject to the following restrictions:
1. Lateral entry officers may not carry an off-duty weapon until the Range master has cleared the individual's qualifications and inspected the off-duty weapon.
 2. Entry level officers may not carry an off-duty weapon until:
 - a. Successful completion of the Basic Police Academy.
 - b. The Range master has certified that the individual has qualified in its use.
 - c. The weapon has been inspected and approved by the Range master.
- F. The primary firearm for uniform duty shall be issued to each new officer upon his employment with the City of Upland.
- G. Ammunition

1. All sworn personnel shall carry approved ammunition for on-duty and off-duty firearms, cartridge cases, and magazines. Uniformed officers shall carry a fully loaded firearm and a minimum of two fully loaded magazines.
2. Only the Department approved ammunition may be carried.

H. Specialized Equipment

1. It shall be the intent of the Upland Police Department to allow members who have successfully completed a POST approved Special Weapons And Tactics course to carry specialized equipment. All specialized equipment carried must be approved by the Chief of Police and or his designee.
2. The following is a list of specialized equipment available for qualified members to carry:
 - a. Primary Entry Weapons: Examples- Entry shotguns and submachine guns; a short-barreled weapon which enables the officer to acquire rapid target acquisition, enhances high levels of accuracy, and provides maneuverability, reliability, stopping power, and the ability to sustain fire.
 - b. High Caliber Rifles: Commonly referred to as counter-sniper rifles and assault rifles, these weapons allow the officer to place highly accurate rounds where needed to help resolve life threatening incidents. An officer carrying a sniper-rifle must complete a POST approved sniper rifle course prior to its deployment.
 - c. Flash/Noise Diversionary Devices: Designed to save lives and reduce the potential for shooting situations by providing for a diversion for a dynamic entry into a hazardous area. Utilizes a bright flash of light followed immediately by a loud noise.
 - d. Breaching Tools and Ammunition: Items such as rams, pry bars, hydraulic or electronic machines, special frangible shotgun rounds, etc., which are designed to force entry into barricaded or secured areas.
 - e. The storage of specialized weapons shall mirror the patrol rifle program policy. Refer to PPM Section 8.061 Section V for weapon storage procedures.
 - f. The deployment of specialized weapons shall mirror the patrol rifle program policy. Refer to PPM Section 8.061 Section VI for deployment procedures.

I. Specialized Equipment Training

1. After completion of a Special Weapons And Tactics course, participants will train and qualify with their specialized equipment on a quarterly basis.
2. Training and qualification will be conducted by a department approved instructor who has successfully completed a POST approved submachine gun / short-barreled weapon instructor's course.

3. Any member that is authorized to carry specialized equipment shall remain current on required training for the specific piece of equipment. If the member carrying the specialized equipment fails to remain current on training standards, that member shall relinquish any or all of the equipment until the standards are met and made current.

Chapter	8
Section	8.07
Title	Weapons Systems/Use-Of-Force
Subject	Mandatory Range Qualifications
Effective Date	03/01/1988
Revision Date	05/01/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

It shall be the policy of the Upland Police Department that all sworn members be required to qualify in the use of firearms authorized by this Department.

II. PURPOSE

To provide training for Upland Police Officers, to develop proficiency in the use of their duty weapons, off-duty weapons, and the shotgun, and to promote safety awareness.

III. PROCEDURE

The qualification shall be in accordance with the following schedules and procedures.

A. Training and Qualifications

1. All sworn personnel shall participate in authorized firearms training and qualification as scheduled by the Training Coordinator. Qualification will be done on a quarterly basis;
 - a. 1st Quarter- January 1st thru the March 31st
 - b. 2nd Quarter- April 1st thru June 30th
 - c. 3rd Quarter- July 1st thru September 30th
 - d. 4th Quarter- October 1st- December 31st
2. Training and qualification will be with the weapon normally carried on duty. Additional training with off-duty weapons and authorized Department weapons will be scheduled by the Training Coordinator.
3. Sworn personnel who elect to carry a second firearm while on duty shall be required to qualify with that firearm annually at one of the quarterly range qualifications.

4. All personnel must qualify on each training exercise during a particular quarter. All persons must qualify before returning to active duty.
5. Personnel using the Range shall abide by the instructions, rules, and regulations relative to the range operation.
6. It shall be the Range Master's responsibility to record the participation and scores of the personnel participating in each quarterly training session and forward the scores to the Chief of Police and Division Commanders for review.
7. The rank of Captain and above will be required to qualify twice per year during the 1st and 3rd Quarter.
8. For qualifications with shotguns and rifles refer to policies 8.061 and 8.21.

IV. ABSENCES AND REPORTING

- A. The Police Chief or appropriate Division Commander may excuse for cause, any person who is unable to participate in a quarterly firearms training session, not to exceed one firearms training session per year.
- B. The Training Agent/Range master will furnish the Police Chief with a quarterly report reflecting the names of individuals not complying with the requirements set forth in this policy together with the amount of ammunition expended.
- C. Any member of the department who is off work for an extended period of time due to an injury, or other personal leave, must qualify with their handgun annually for qualification purposes. If you are unable to qualify do to medical restrictions, you will be required to turn in your department issued handgun, and your department issued identification card authorizing your CCW. Upon successful completion of the qualification course, the department issued handgun and identification card will be reissued. See section **VI** for the minimum qualification course.
- D. Any member of this department who has not qualified within the past year, with their department issued handgun, shall be required to do so immediately, following the qualification course in Section VI.

V. DISCIPLINE

Personnel failing to meet their range obligations ordinarily may be subject to formal disciplinary action up to and including suspension.

VI. MINIMUM QUALIFICATION COURSE

Basic Qualification Course for All Sworn Personnel

- The following course of fire is a minimum proficiency test which all sworn personnel shall be required to complete annually during the month of January.
- Each round has a value of two points.
- In order for a round to be counted as a hit it must strike the silhouette target; no matter how slight.
- The minimum passing score shall be 70%.
- Pass or fail shall be documented on the range qualification log. No numerical score shall be entered onto the qualification log.

Stage 1 – 7 yards

Load one magazine with eight rounds.

With above magazine lock and load pistol.

Scenario #1: Upon the command of “threat” the officer shall remove their weapon and fire two rounds from the standing position at the target within 7 seconds. *Repeat scenario #1 4 times.*

Stage 2 – 7 yards

Load one magazine with eight rounds.

With above magazine lock and load pistol.

Scenario #2: From the weak hand position and upon the command “threat” the officer shall fire two rounds from the standing position at the target within five seconds. *Repeat scenario #3 4 times.*

Stage 3 – 15 yards

Load one magazine with eight rounds.

With above magazine lock and load pistol.

Scenario #3: From the low ready and upon the command “threat” the officer shall fire two rounds from the standing position at the target within four seconds. *Repeat scenario #2 4 times.*

Stage 4 – 15 yards

Load two magazines with four rounds each.

Lock and load one magazine and place other in magazine pouch.

Scenario #4: Upon the command of “threat,” the officer shall remove their weapon and fire four rounds at the target; reload with the second magazine and fire four rounds within 20 seconds.
Repeat scenario #4 2 times.

Stage 5 – 25 yards

Load one magazine with ten rounds (or depending on magazine capacity load 2 magazines with a total of ten rounds).

With above magazine lock and load pistol.

Scenario #5: Upon the command of “threat”, the officer shall remove their weapon and fire ten rounds at the target (no time limit).

VI. RETIRED OFFICERS QUALIFICATION COURSE

PURPOSE: The above qualification course of fire will also apply for retired Upland Police officers and is intended to comply with the requirements of House Resolution 218 (HR 218), the Law Enforcement Officer’s Safety Act of 2004, which allows retired police officers to carry concealed weapon (CCW) while traveling throughout the United States. In 2010, HR 218 was amended to impose a fire qualification requirement for qualified retired officers who want to carry a concealed firearm in other states and pursuant to the procedures detailed below.

PROCEDURE: Retirees must be free of any condition that would preclude them from safely operating a firearm and adhere to the following Four Basic Safety Range rules:

1. All guns are always loaded
2. Never allow the muzzle to cover anything you are not willing to shoot;
3. Keep your finger off the trigger until your sights are aligned on the target and you intend to shoot;
4. Be sure of you target and aware of your background.

EMPLOYEE’S RESPONSIBILITIES: Qualified Department retired officers who choose to qualify and meet the requirements of the amended HR 218 shall comply with the following:

- Provide their own ammunition;
- At their own expense, qualify with their firearm;
- Carry proof of qualification at all times, along with a CCW- endorsed, approved identification card issued by the Department: and

- Upon request of any law enforcement agency with appropriate jurisdiction, render proof of Qualification receipt.
 - **Note:** the qualification is valid for a 12-month period from date of qualification. If a retired officer chooses not to qualify, the CCW endorsement will only be valid within the State of California. The Upland Police Department will not track this qualification requirement.

Chapter	8
Section	8.08
Title	Weapons Systems/Use-Of-Force
Subject	Range Regulations
Effective Date	03/01/1988
Revision Date	08/10/2015
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. PURPOSE

In order to protect the safety of persons in and about the Police Pistol Range facility, this Department establishes the following guidelines regulating activities at the Range.

II. DUTY STATUS

- A. All members required to report to the police range facility for qualification and/or training shall be considered on-duty upon arrival, and subject to Department policies and procedures.
- B. Members may use the range facility while off-duty. The following restrictions shall apply, in addition to procedures and guidelines:
 1. Members shall have at least one other member with them while using the range.
 2. Members must check in with the on-duty watch commander prior to using the range, and must check out when leaving the range.
 3. The watch commander shall cause the range sign-in sheet to be maintained and up to date.
 4. It shall be the responsibility of the on-duty watch commander to insure proper maintenance of the range facility after use during his tour of duty.

III. PROCEDURES AND GUIDELINES

Members of this Department shall adhere to the following procedures while at the police range:

A. Range Rules

1. Only authorized personnel may use the range.
2. There shall be no armor piercing ammunition or shotgun slugs used.
3. No rifles shall be fired on the range.
4. All range malfunctions or damage shall be reported to the Watch Commander immediately.
5. Personnel using the range and gun cleaning room are responsible for the cleaning of these rooms after use.
6. The exhaust fans must be turned on before use and off after use.
7. The range lights must be turned off after use.
8. Any violation of these rules shall result in disciplinary action and/or expulsion from the use of the range facilities.

B. Preparations for Firing

1. Members shall not unholster, load, or unload weapons at any location other than the firing lines unless so directed by the Range master or firearms instructor, or while at the cleaning bench.
2. Any shotgun, rifle, tear gas gun, or automatic rifle shall be carried onto the range in an unloaded condition, with the bolt or chamber open and exposed. At all times, the muzzle of the weapon shall be pointed towards the designated impact area.
3. All revolvers which are not holstered shall be carried with the cylinder open,, and two middle fingers under the stop strap.
4. Only Department approved automatic pistols shall be brought to the police range for firing, and if unholstered, they shall be carried with the slide back and magazine out, displaying that the weapon is unloaded.

C. Firing on the Police Range

1. Only those members actually discharging their weapons, or receiving instructions, shall be on the firing line.
2. When on the firing line, conversation shall be restricted to that with the Range master or instructor, and only when necessary.
3. All unholstered weapons shall be pointed towards the impact area.
4. All members discharging their weapons, or in the area of the firing line, shall utilize the Departmental approved protective ear and eye devices, and shall wear their department issued protective vest.
5. All loading and unloading shall be initiated only upon command of the Range master or instructor.
6. All firing shall commence by order of the Range master or instructor.
7. Smoking is not permitted on the firing line.

8. Dry firing is permitted only on the firing line, and at the instruction of the Range master or instructor.

D. Termination of Firing

1. All expended brass shall be retrieved upon order of the instructor and disposed of properly.
2. At the instructor's order, all targets and debris shall be retrieved.
3. Those members electing to clean their weapons at the range facility will do so only at the designated location.

IV. REPORT OF ACCIDENTS

Any firearm related accident which occurs at the Pistol Training Facility, resulting in injury or property damage, shall be reported to the Office of the Chief of Police. The Chief of Police will initiate an investigation into the incident by referring the matter to the Internal Affairs Unit.

Chapter	8
Section	8.09
Title	Weapons Systems/Use-Of-Force
Subject	Sidearm Inspection
Effective Date	03/01/1988
Revision Date	05/01/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

It shall be the policy of the Department to maintain a safe area for sidearm inspection in the officers' locker room.

II. PURPOSE

To safeguard against injury caused by accidental discharges, thereby, insuring the safety of all employees.

III. PROCEDURE

All officers shall utilize the safety area when loading, unloading, and visually inspecting weapons, to determine if they are loaded and functioning properly. The weapon will be unholstered only in the safety area, and the barrel will be pointed into the safety device opening.

Chapter	8
Section	8.10
Title	Weapons Systems/Use-Of-Force
Subject	Discharge of Firearms and Use of Deadly Force
Effective Date	03/01/1988
Revision Date	UNDER REVISION
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

Chapter	8
Section	8.11
Title	Weapons Systems/Use-Of-Force
Subject	Accidental Discharge of Firearms – Reporting Procedure
Effective Date	03/01/1988
Revision Date	05/01/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

It is the policy of this Department that whenever a firearm is accidentally discharged a report will be initiated and investigation completed.

II. PURPOSE

This policy is created to set forth a uniform reporting system for any member of this Department who is involved in the accidental discharge of a firearm. Adherence to this policy shall provide consistency in each report, so that a fair evaluation may be made in each individual circumstance.

III. NOTIFICATION

- A. Any member discharging a firearm accidentally shall:
 - 1. Immediately notify his supervisor, or in the absence of his supervisor, the on-duty Watch Commander; and
 - 2. Notify the jurisdictional agency if the discharge is outside the City of Upland.

IV. INVESTIGATION

- A. A supervisor shall respond to all occurrences involving a discharge of a firearm by any member to:
 - 1. Make an appraisal of the situation.
 - 2. Direct and supervise the investigation and handling of physical evidence for incidents occurring within the City of Upland.

V. REPORTING

- A. A supervisor shall complete a report which shall concentrate on the facts surrounding the discharge of the firearm. The report shall include:
 - 1. Date, time, and location of discharge;
 - 2. Description of weapon and ammunition used;
 - 3. Number and direction of shots fired, and accountability for same;
 - 4. Personal injury;
 - 5. Property damage;
 - 6. Weather, visibility, and lighting conditions
 - 7. Residential, commercial, or industrial area; and
 - 8. Persons and/or vehicles in the area.
- B. Witnessing members shall also prepare a report, explaining circumstances observed.
- C. The concerned supervisor shall then compile all reports, including a copy of the case report, and forward same to the appropriate Division Commander.
- D. The Division Commander shall review the incident and make recommendations to the Police Chief concerning the actions of officers involved, and what, if any, disciplinary measures should be taken.

Chapter	8
Section	8.12
Title	Weapons Systems/Use-Of-Force
Subject	Officer Involved Shooting Team
Effective Date	03/01/1988
Revision Date	05/02/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

The O.I.S.T. is created to provide specialized support personnel to conduct and supervise investigations of deadly weapon incidents involving sworn personnel, whether occurring on or off duty, when death, injury or property damage is involved.

II. PURPOSE

To ensure the conduct of a thorough investigation of the incident; the assurance of rights to involved personnel; the compliance to all Department policies and procedures; the appropriate action where compliance is not evident.

III. PROCEDURE

- A. Organization: The O.I.S.T. shall be comprised of the following members:
 1. Investigations Division Commander
 2. Professional Standards Unit supervisor
 3. Personnel from the Investigative Division and the Patrol Division, as required by the circumstances.

- B. Types of investigation: There are two types of investigations that may be completed in the event of an officer involved deadly weapon incident. The investigations can share components such as interviews of officers, citizens and suspects as appropriate.

1. Criminal investigation. The criminal investigation is the investigation of the shooting incident for potential criminal prosecution of suspects. This is also the investigation that will be utilized by the San Bernardino County District Attorney's Office to determine if the involved officers have any criminal liability.
2. Administrative investigation. The administrative investigation is conducted to determine if the officer(s) adhered to Upland Police Department Policy. This investigation will set forth the facts of the incident. CIRT (refer to Section 8.13 of this manual) will then review the investigation and make a conclusion of "Shooting within departmental policy" or "Shooting not within departmental policy." This report shall not set forth recommendations on disciplinary action. The administrative investigation is a confidential personnel investigation. It shall not be shared with any outside agency conducting the criminal investigation or Upland Police Department Detectives conducting the criminal investigation.

C. Criteria for each type of investigation

1. Upland Police Officer(s), on or off duty, involved in a deadly weapons incident in the City of Upland causing death or injury to suspect(s), citizen(s) or officer(s). An incident meeting these criteria shall have a criminal investigation and an administrative investigation.
2. Upland Police Officer(s), on or off duty, involved in a deadly weapons incident in another jurisdiction causing death or injury to suspect(s), citizen(s) or officer(s). An incident meeting these criteria shall have a criminal investigation and an administrative investigation. The criminal investigation shall be conducted by the law enforcement agency having primary jurisdiction or any other agency they designate.
3. Other agency law enforcement officer(s), on or off duty, involved in a deadly weapons incident in the City of Upland causing death or injury to suspect(s), citizen(s) or officer(s). An incident meeting these criteria shall have a criminal investigation only. Any other investigations are the responsibility of the involved agency.

IV. CALL OUT

When a deadly weapon incident involving an employee of this Department results in death, injury or property damage it shall be the responsibility of the on-duty Watch Commander to accomplish the following:

- A. Ensure the scene is secured to preserve all evidence.

- B. Call the Chief of Police, Patrol Division Commander and Investigations Division Commander.
- C. Immediately notify the Professional Standards Unit Supervisor and apprise him/her of the circumstances.
- D. O.I.S.T. will request assistance from other investigative agencies, as may be required.

V. RESPONSIBILITIES AND DUTIES

- A. The O.I.S.T. shall immediately respond to the scene of the incident.
- B. The responsibility for the criminal investigation into the incident shall be assumed by the Investigations Division Commander. However, in an incident involving Upland Police Officer(s) if a person has been shot or otherwise injured the actual investigation may be completed by the San Bernardino County Sheriff's Department Specialized Investigations Division or other law enforcement agency (excluding the San Bernardino County District Attorney's Office due to the potential conflict of interest caused by that agency's prosecution review). The request for an outside agency investigation is upon the request of the Chief of Police, or in his absence, the O.I.S.T. when circumstances favor the involvement of a neutral outside agency. If the criminal investigation is conducted by the Upland Police Department, the Investigations Division Commander will coordinate and supervise Upland Police Department Detectives who will conduct the investigation. If the investigation is conducted by another agency, the Investigations Division Commander will coordinate with that agency's supervisor. The Investigations Division Commander will make Upland Police Department Detectives available as required. If the incident does not involve Upland Police Officer(s) but occurs in the City of Upland, the Upland Police Department shall conduct the criminal investigation but may seek the assistance of other agencies for any needed resources.
- C. The responsibility for the administrative investigation shall be assumed by the Professional Standards Unit supervisor. The O.I.S.T. commander may assign additional personnel to assist as circumstances dictate.

1. In the event the involved member chooses to have his statement compelled during the criminal investigation, the interview shall be conducted by the Professional Standards Unit supervisor, or in his absence, the O.I.S.T. commander's designee.
- D. The O.I.S.T. shall conduct a thorough investigation of the incident, with particular emphasis on the following areas:
1. Identification of criminal violations for prosecution of all such violations.
 2. Assurance of compliance to all Department policies and procedures, and appropriate action where compliance is evident.
 3. Assurance that the involved personnel are given all rights granted under Government Code 3300, the Officers' Bill of Rights.
 4. Identification of liability exposure and management of such exposure in a manner consistent with the best interests of the City, Department, and involved personnel. This may include the notification and response of the firm handling police liability claims.
- E. If it is necessary to take an officer(s) handgun for evidence, the O.I.S.T. shall provide the officer(s) with another handgun at the time their original handgun is taken. If the officer's handgun is taken it shall be done discreetly. The Chief of Police or his designee has the discretion not to issue another handgun if the circumstances warrant.
- F. The O.I.S.T. commander or delegated supervisor shall order a blood sample only if the member is displaying symptoms of intoxication or of drug use, legal or illegal. This sample is for administrative purposes only and cannot be used in the criminal investigation (refer to City of Upland policy number 304).
- G. The O.I.S.T. shall be responsible for notifying the District Attorney's Office, when appropriate, and with staff approval, and acting as liaison with the District Attorney's Office during any investigation arising out of the incident.
- H. Release of all information, including press releases, shall be the responsibility of the Public Information Officer, under the direction of the Police Chief. To avoid a conflict of interest, the public information officer for these matters will be the backup instead of the professional standards supervisor.

VI. RELEASE OF INVOLVED OFFICER(S) NAMES

- A. The involved officer(s) name shall not be released to the media if any of the following conditions are present:
1. Disclosure could interfere with the investigation.
 2. Disclosure could deprive some person of a fair trial
 3. Disclosure could result in an unwarranted invasion of the officer's personal privacy such as the probability of the media at the officer's home, harassment of the officer or his/her family by neighbors or interviews of officer's children at school, etc.
 4. The person on whom force was used and/or their family live near the officer.
 5. The disclosure could result in the release of a confidential source or confidential information.
 6. Disclosure could endanger the life or physical safety of the officer or his/her family. Some of the criteria that may be considered are:
 - a. Threats against the officer or his/her family.
 - b. Did the person on whom the force was used have a relationship with any group prone to use violence?
 - c. Is the officer hospitalized and vulnerable to attack?
 - d. Are the family members of the person on whom force was used known to be stable or potentially dangerous.
 7. Any other reason in which the public interest in withholding the name would clearly outweigh the public interest in disclosing the name.

Chapter	8
Section	8.13
Title	Weapons Systems/Use-Of-Force
Subject	Critical Incident Review Team
Effective Date	06/21/2005
Revision Date	05/02/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

It shall be the policy of this Department to promote officer safety and department-wide education through the in-depth review of critical incidents involving members of this department. The Critical Incident Review Team (C.I.R.T.) shall review any incident deemed appropriate by the Chief of Police.

II. CRITICAL INCIDENT REVIEW TEAM COMMITTEE

A. The C.I.R.T. shall be comprised of the following members:

1. A Division Commander (at the direction of the Chief of Police)– Moderator
2. Lieutenant
3. Sergeant
4. Detective – Appointed by the Upland Police Officer’s Association
5. Officer – Appointed by the Upland Police Officer’s Association

III. OBJECTIVES

- A. To conduct an in-depth review of critical incidents involving members of this department.
- B. To identify tactical and policy training issues and make appropriate, non-binding, recommendations to the Chief of Police.
- C. To identify outstanding behavior by members of this department.
- D. To foster an atmosphere of open communication among all members of the department.

IV. PROCEDURES

A. The C.I.R.T. shall convene at the direction of the Chief of Police.

1. Any member of this department may request a critical incident review. All requests shall be made to the Chief of Police via the requesting employee's chain of command.
2. All reports relating to the reviewed incident shall be provided to the Committee.
3. The Committee may direct department personnel to appear before the Committee to assist members with unanswered questions.
4. At the conclusion of the Committee's review, one member of the committee shall prepare a report of their findings and forward the report to the Chief of Police. The report will contain:
 - a. A summary of the incident,
 - b. Identified critical issues,
 - c. Identified outstanding officer behavior, and if applicable,
 - d. Identify training issues and recommend department policy review.
5. Conclusion
 - a. Patrol Division Commander will maintain the CIRT report, its findings and any implementations.

Chapter	8
Section	8.14
Title	Weapons Systems/Use-Of-Force
Subject	Personal Welfare
Effective Date	03/01/1988
Revision Date	05/02/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

To ensure the personal welfare of each employee, it shall be the policy of this Department to provide professional services to employees in a variety of situations and circumstances. These services may be initiated by the Department or the employee, whichever is most appropriate.

II. PROCEDURE

- A. All Police Department employees and their immediate families shall be eligible to participate in the City of Upland Employee Assistance Program. It is the intent of the program to be preventative and responsive to personal and stress related issues before they become serious problems for the individual. Use of the program by all members of the Upland Police Department is encouraged.
- B. The services shall be oriented towards brief problem-solving counseling. There will be no charge to the employee for the first three appointments per year, or to family members for the first three appointments per year. If longer term counseling is necessary, arrangements will be made.
- C. Counseling services will be provided by a team of mental health professionals who are trained and experienced in dealing with emotional, family, stress and marital problems.
- D. All employees of the Department will be seen on an absolutely confidential and private basis. No one in the Department will know that the employee or family member is being seen.
- E. All sessions will be held at the counseling services offices currently contracting with the City of Upland.

- F. A 24 hour, 7 day-a-week crisis intervention service is provided as part of the program. The hot line number is (800) 511-3920.

III. OFFICER INVOLVED SHOOTINGS/CRISIS INTERVENTION

- A. Officers who are involved in a shooting or other crisis situation, where loss of life was imminent or actual loss of life occurred, may receive more in-depth counseling through the Police Department's designee for psychological counseling.
- B. In any situation, wherein a supervisor feels that counseling services would be beneficial to the employee and/or the Department, the supervisor may prepare a report recommending the employee receive such services. The Division Commander of the employee shall review the report. If the Division Commander agrees that counseling services would be beneficial to the employee and/or the Department, he shall discuss the matter with the employee and may, upon approval of the Chief of Police, require the employee to receive professional counseling, in lieu of being placed off-duty.
- C. Upland Police Department Psychological Counseling Designee: The Counseling Team, Dr. Nancy Bohl, 225 West Hospitality Lane, Suite 100, San Bernardino, CA 92408, phone: (909) 884-0133.

Chapter	8
Section	8.15
Title	Weapons Systems/Use-Of-Force
Subject	Licenses to Carry Concealed Weapons
Effective Date	03/01/1988
Revision Date	12/20/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

It shall be the policy of this Department that the Chief of Police may issue to a resident of the City of Upland, a permit to carry a concealed firearm.

II. PURPOSE

The purpose for this policy is to offer a means by which a City resident, after having made such showing of cause, purpose or justification, if any, as the law may permit or require, may obtain a permit upon having met the requirements of law and standards of the Department.

III. PROCEDURES

- A. An application for and issuance of a license to Carry A Concealed Firearm (CCW) shall be in accordance with California Penal Code Sections 26150 through 26225, or such other state or federal statutes or court decisions as may at the time be controlling.
 1. Criteria for issuance are as follows and to the extent consistent with controlling law:
 - a. The person applying is of good moral character; and
 - b. To the extent permitted by controlling law, the applicant shows good cause for the issuance.
 - 1) Good cause is defined as convincing evidence of danger to life or great bodily harm to the applicant, his or her spouse, or dependent child, which cannot be adequately dealt with by existing law enforcement resources and which danger might be significantly mitigated by the applicant's carrying of a concealed firearm.
 - c. The person applying is a resident of the City.

d. New License Applicants shall attend a course of training not less than 8 hours in duration, but shall not exceed 16 hours in duration. The training will, at minimum, encompass firearms safety, firearm handling, shooting technique, and the law regarding the permissible use of a firearm. The course shall include live-fire shooting exercises on a firing range and shall include a demonstration by the applicant of safe handling of, and shooting proficiency with, each firearm that the applicant is applying to be licensed to carry.

1) In the absence of the aforementioned training, a community college course certified by the Commission on Peace Officer Standards and Training, up to a maximum of 24 hours, may be attended at the discretion of the Chief of Police if required uniformly of all applicants without exception.

e. For license renewal applicants, a course of training of no less than four hours duration shall be attended. The scope of this training will, without limitation, include instruction on firearms safety and the law regarding the permissible use of a firearm.

f. All applicants will have available to them, a summary of the provisions of 26150 and subdivisions (a) and (b) of Section 26155 of the Penal Code.

g. All applicants are required to submit the following completed documentation at the time of their interview with the Investigations Division Commander (forms are available from the Upland Police Department):

- 1) California Department of Justice Standard Application (completed but not signed or dated until the interview);
- 2) Current California Driver's License or Identification Card;
- 3) Satisfactory evidence of City residency, i.e., a copy of a utility bill in the name of the applicant and which is for a period within the last three months; or, a grant deed or rental agreement in the name of the applicant.

h. All applicants shall be made aware that the license must be approved or denied within 90 days of the application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later.

i. The Department shall submit to the Attorney General, the total number of CCW's issued to reserve police officers and to judges/magistrates.

j. The Investigations Division Commander shall have the responsibility for processing the application and recommending, for the Police Chief's approval, the issuance or denial of the application.

k. The Police Chief shall review applications and supporting documents, and may reject or approve the licensing, provided that the applicant is informed in writing of the reasons for rejection.

The Chief of Police may place special conditions further limiting the time, the place, and the circumstances under which the license is valid. When each license is issued, the general restrictions and any special limitations shall be noted on the license. However, a licensee may apply for a modification of any restrictions or conditions placed upon their license to carry a concealed firearm.

I. Renewals should be processed in the same manner.

2. The licensees will be subject to the following general restrictions while exercising the privilege granted to them under the terms of this license, in that,

a. They shall not:

- 1) Consume any alcoholic beverage while armed;
- 2) Represent to any person that they are peace officers, unless they are, in fact, peace officers, as defined by law;
- 3) Abuse this privilege by an unjustified, unwarranted or unreasonable display of a firearm;
- 4) Commit any felony, or a misdemeanor involving actual or threatened violence, or any crimes under the laws of the State of California or the United States;
- 5) Be under the influence of any medication or narcotic or drug;
- 6) Impede law enforcement officers in the conduct of their activities and/or official duties;
- 7) Refuse to display their permits or to surrender their concealable firearm to any peace officer for inspection upon demand;
- 8) Carry any concealed weapon not listed on the permit;
- 9) Use of illegal or unauthorized ammunition; and
- 10) Carry a concealed weapon at times or circumstances other than those specified in the permit.

b. They shall:

- 1) Notify the Upland Police Department, Office of the Chief of Police in writing of any changes of address within ten days;
- 2) Immediately notify any peace officer contacting the licensee that he or she is carrying a concealed weapon and has a permit to do so;
- 3) Notify the Upland Police Department, Office of the Chief of Police should the licensee display or utilize the concealed weapon. This notification must be made within three days and consist of both verbal and written notification including the circumstances surrounding the use of the weapon and a police report number regarding the incident;
- 4) Notify the Upland Police Department, Office of the Chief of Police immediately upon any detention, arrest, and/or conviction of any felony or serious misdemeanor, including offenses involving being under the influence of alcohol or drugs;

- 5) Notify the Upland Police Department, Office of the Chief of Police immediately if he or she becomes the subject of any domestic violence investigation, criminal investigation and/or court order/restraining order.
3. The applicant will pay all appropriate fees as required by the City of Upland fee schedule.
- B. A concealed weapons license issued pursuant to this policy shall generally be valid for the time specified by Penal Code Section 26220. This does not limit the Chief of Police from exercising discretion to limit the license to a shorter period of time.
- C. The Chief of Police has the discretion to revoke a concealed weapons license pursuant to Penal Code Section 26195. In addition, the Chief of Police may immediately revoke a licensee's CCW permit for any of the following reason(s), but not limited to:
 1. The Licensee is found not to be in compliance with this policy or any of the conditions or restrictions.
 2. The Licensee engaged in conduct which would not qualify him/her to a CCW under the good moral character standard or may otherwise remove good cause requirement.
 3. The Licensee is deemed to be medically or psychologically unsuitable to carry a concealed firearm.
 4. The Licensee is found to be prohibited under applicable Penal Code 26150-26225 Section(s), Welfare and Institutions 8100-8103 Code(s), or any state or federal law.
- D. The Chief of Police has complete and sole discretion and the exclusive right to issue, amend or revoke any CCW permit based on this policy. The revocation of any CCW permit will be made in writing to the licensee and the Department shall maintain a record on file and forward a copy to the California DOJ, specified by Penal Code Section 26225.
- E. The Department shall also maintain a record of the following and immediately provide copies of each to the California DOJ:
 1. Denial of a license
 2. Denial of an amendment(s) to a license
 3. Issuance of a license
 4. Amendment of a license
 5. Revocation of a license

Chapter	8
Section	8.16
Title	Weapons Systems/Use-Of-Force
Subject	Flying While Armed
Effective Date	11/15/2008
Revision Date	05/02/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

This policy sets forth the documents required and procedures to follow when flying armed aboard a commercial airliner.

II. PURPOSE

The purpose of this policy is to insure those officers who choose to fly armed aboard a commercial airliner to obtain the required documents and follow established Transportation Security Administration (TSA) protocol.

III. PROCEDURE

A. Beginning November 15, 2008 the Transportation Security Administration (TSA) will require law enforcement officers (LEO's) wishing to fly armed aboard a commercial airliner to adhere to the following protocol:

1. Obtain a "Letter of Authority" from the Chief of Police. The Letter of Authority will be on department letterhead, signed by the Chief of Police and contain the following information:
 - a. Full name of the armed LEO
 - b. Agency of the armed LEO
 - c. Employee identification number of LEO
 - d. Officer type (example – sergeant/local)
 - e. Name of authorizing official
 - f. Completed required training – yes or no.
 - g. Cell phone number of armed LEO
 - h. Department phone number of armed LEO

- i. Escorted Individual Type – if applicable
 - j. Escorted Individual Name – if applicable
 - k. Name of airline
 - l. Flight number
 - m. Date of flight
 - n. Departing airport
 - o. Connecting airport – if applicable
 - p. Final destination airport
2. Provide the Upland Police Department Dispatch Supervisor with all of the information requested in section (A) (1) (a through p) listed above. This information will be entered into a National Law Enforcement Telecommunications System (NLETS) teletype message and sent to the Transportation Security Administration (TSA). The TSA will return a NLETS message to our agency containing a unique alphanumeric identifier for verification at the airport on the days of travel.
 3. The original “Letter of Authority” and TSA’s return NLETS message will be required prior to boarding at all airports utilized during the duration of the armed LEO’s trip.
 4. In addition to the requirements listed above, per the Code of Federal Regulations, Title 49, Volume 8;
 - a. The armed Law Enforcement Officer must have a need to have the weapon accessible from the time he or she would otherwise check the weapon until the time it would be claimed after deplaning. The need to have the weapon accessible must be determined by the employing agency, department or service and be based on one of the following:
 - 1) The provision of protective duty, for instance, assigned to a principal or advance team, or on travel required to be prepared to engage in a protective function.
 - 2) The conduct of a hazardous surveillance operation.
 - 3) On official travel required to report to another location, armed and prepared for duty.
 - 4) Employed as a Federal Law Enforcement Officer, whether or not on official travel, and armed in accordance with an agency-wide policy governing that type of travel established by the employing agency by directive or policy statement.
 - 5) Control of a prisoner, in accordance with Section 1544,221, or an armed Law Enforcement Officer on a round trip ticket returning from escorting, or traveling to pick up, a prisoner.
 - 6) TSA Federal Air Marshal on duty status.

- B. Requests for a Letter of Authority from the Chief's secretary and an originating NLETS teletype from the Dispatch Supervisor shall be made no less than seven (7) days prior to the original date of departure.

Chapter	8
Section	8.17
Title	Weapons Systems/Use-Of-Force
Subject	Carry Concealed Weapons Out Of State
Effective Date	08/21/2005
Revision Date	12/16/2019
Revised By	Captain Clifford Mathews
Authorized By	Chief Darren L. Goodman

I. POLICY

All officers, active duty and retired, are subject to and will comply with the provisions of H.R. 218: The Law Enforcement Officers Safety Act of 2004 when carrying a concealed firearm outside the State of California.

II. PURPOSE

In 2004 it was the intent of the U.S. Congress that all qualified active duty and retired law enforcement officers be allowed to carry a concealed firearm to and from or in any state. To that end Congress amended Chapter 44 of title 18 United States Code section 926A. While the act enhances our ability to carry a concealed firearm, it falls short of allowing an expanded ability to do so on commercial aircraft.

III. PROCEDURE

The following guidelines are set forth in order to ensure compliance with the Law Enforcement Officers Safety Act of 2004:

A. The following requirements must be observed while out of state:

1. Active Duty Officers Defined:

- (a) Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
- (b) Is authorized by the agency to carry a firearm;
- (c) Is not the subject of any disciplinary action by the agency;
- (d) Meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

- (e) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- (f) Is not prohibited by Federal law from receiving a firearm.

2. Retired Officers Defined:

- (a) Retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;
- (b) Before such retirement, was authorized by law engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- (c) Before such retirement, was regularly employed as a law enforcement officer for an aggregate of 10 years or more; or
- (d) Retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- (e) Has a non-forfeitable right to benefits under the retirement plan of the agency;
- (f) During the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;
- (g) Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons related to the mental health and as a result of this finding will not be issued the photographic identification as described in Section III B
- (h) Has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in Section III B
- (i) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance;

(j) Is not prohibited by federal law from receiving a firearm.

B. Specific requirements exist as to the proper form of identification that must be carried by both active duty and retired officers. Those requirements are:

1. Active Duty Officer

(a) The photographic identification issued by the department.

2. Retired Officer

(a) The photographic identification issued by the department and a separate certification certifying qualification with a firearm within the previous 12 months.

(b) The photographic identification issued by the department shall include the wording:

1. CCW approved only with current proof of USC 18 section 926c compliance.

C. The recommended annual firearms course for the Upland Police Department shall be that offered by the San Bernardino County Sheriff's Academy Range.

1. All expenses for this course will be the responsibility of the retired officer.

D. Weapons

1. The weapon being concealed and carried by the active duty officer and the retired officer must be the same type as the weapon with which he or she has qualified with.

2. The act strictly forbids possession of a machinegun, firearm silencer and destructive device.

Chapter	8
Section	8.18
Title	Weapons Systems/Use-Of-Force
Subject	Ballistic Helmets
Effective Date	07/18/2013
Revision Date	05/02/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

IV. POLICY

This policy sets forth which department personnel are provided ballistic helmets and under what circumstances the use of such ballistic helmets is recommended.

V. PURPOSE

The purpose of this policy is to ensure that ballistic helmets are provided to those employees who are likely to be confronted by violent encounters and to maximize the safety of those employees by the use of ballistic helmets.

VI. PROCEDURE

- A. Description of ballistic helmets: The Department provides each officer a Gentex Level II ballistic helmet. The Gentex lightweight anti-fragmentation helmet meets the requirements of PS-0428 and NIJ-0106.01. The helmet provides protection against most handgun and submachine gun rounds. It also meets all U.S. Army requirements for designated fragmentation threats.
- B. Issuance of ballistic helmets: Department approved ballistic helmets shall be issued to all sworn members of the department. Each ballistic helmet shall be marked with the employee's identification number on the rear center portion, along the neck line, of the outer shell.
- C. **USE OF BALLISTIC HELMETS**
Sworn personnel are expected to wear their ballistic helmet during the following situations.

1. When assigned by the employee's supervisor to wear it.
2. When performing a function that would reasonably place them in a position of high-risk such as: a barricaded and/or armed suspect, unlawful assemblies, and riotous situations.
3. When serving high-risk search and arrest warrants.

D. Patrol personnel shall have their ballistic helmet accessible while in the field.

E. Mobile Field Force Members shall wear their ballistic helmet during the following situations.

1. Team call-out.
2. While participating in training sessions

F. EXEMPTIONS – Employees are exempt from this policy under the following conditions:

1. When a licensed physician provides documentation that the employee should not wear a ballistic helmet due to a medical condition. Such documentation does not need to provide specific details of the condition. The documentation shall indicate whether or not the exemption is for a temporary period. It shall be the employee's responsibility to notify his/her supervisor when such medical condition no longer exists. At the discretion of the Division Commander, current documentation of a medical condition may be requested on an annual basis.

Chapter	8
Section	8.19
Title	Weapons Systems/Use-Of-Force
Subject	Baker Batshield
Effective Date	07/18/2013
Revision Date	05/02/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

VII. POLICY

It is the policy of the Upland Police Department to deploy and use the Baker Batshield to provide additional ballistic protection when approaching a potentially armed subject, during a building search, or rescuing a downed citizen or officer. The Baker Batshield may also be used to provide a fixed defensive position for officers to use as cover over a car door, on a stationary perimeter position, or in a structure.

VIII. PURPOSE

The purpose of this policy is to establish guidelines for the use of the Baker Batshield by Department personnel.

IX. PROCEDURE

A. Description of Baker Batshield

1. The Baker Batshield is constructed of 100% polyethylene thermoplastic pressed into a multi-curved hard composite weighing approximately twelve pounds.
2. This ballistic configuration is manufactured to comply with NIJ-std 0108.01, affording Threat Level IIIA performance/protection.
3. The Baker Batshield is effective against multiple hits and tight shot groupings from common handgun and submachine gun rounds.
4. It does not offer protection against rifle rounds.

B. Deployment

1. Location and Basic Deployment

- a. The Upland Police Department is equipped with three (3) Baker Batshields. They are located in the Patrol Sergeant's black and white patrol units' trunks. When deploying the Baker Batshield the front Velcro tension straps may need to be adjusted for the batshield to work appropriately.
- b. Officers utilizing the Baker Batshield should wear their department issued ballistic helmet. While carrying the Baker Batshield the officer should hold the U-shaped handle just below the V-shaped cut out at the top and middle of the batshield with their support hand. This allows the officer to draw his/her handgun or long gun. The officer should rest the forearm of their support hand flush along the backside of the batshield. This will allow the batshield to open fully allowing maximum ballistic protection for the officer. When the Baker Batshield is completely open it should conceal the officer's upper torso as it "wraps around the officer's body" while only exposing the head and lower legs.

C. Deployment With Firearms

1. When deploying the Baker Batshield while using a firearm the officer should draw their handgun or long gun and bring the gun up along the side of the batshield. This is to avoid muzzle flashing the officer's hand holding the batshield. The gun should be brought over the top of the batshield and placed into the cradle at the top of the batshield. The handgun should rest inside the cradle with the gun pointed downrange and the front of the trigger guard flush against the cradle.
2. The long gun should rest in the same position **with the exception** of the trigger guard being flush against the cradle.

D. Deployment For Citizen/Officer Rescue

1. During a rescue operation, ideally two (2) Baker Batshields should be used with a minimum of 5 officers. The team shall consist of two officers deploying the batshields, two rescue officers and a team leader.
2. Prior to approaching the downed citizen/officer, a tactical plan and Threat Assessment should be conducted to avoid further casualties. During the approach the officers carrying the batshields should be close enough to allow the edges of the batshields to touch and provide maximum protection for the rescue team. Upon arrival to the downed citizen/officer the officers carrying the batshield should keep the edges touching as they step over the citizen/officer. They shall provide cover for the remaining members of the rescue team with their firearms (a team of seven (7) would provide maximum cover with two (2) additional lethal force cover officers). The rescue officers will retrieve the downed citizen/officer appropriately and communicate with each other when lifting the subject. The team leader will communicate with the batshield officers when to begin retreating by walking backwards while continuing to provide cover. The retreat should be smooth but tactically efficient. The retreat should continue until a position of safety / cover is obtained.

Chapter	8
Section	8.20
Title	Weapons Systems/Use-Of-Force
Subject	Simulator Training
Effective Date	07/18/2013
Revision Date	05/02/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

X. POLICY

It is the policy of this Department to maintain a Use of Force Simulator Training Program, designed to provide ongoing training in regards to decision making and force options to sworn personnel, on a quarterly basis.

XI. PURPOSE

To provide the Department with a method by which training topics can be presented to all sworn personnel to enhance officer's discretion and judgment in using force.

XII. PROCEDURE

- A. Quarterly training topics will be prepared by the Simulator Training Coordinator. Training will consist of an interactive, simulated event and only specially modified weapons / equipment assigned to this system will be used.
- B. Assigned and trained officers shall present the scheduled training(s). They may also conduct shift training when approved by their supervisor.

XIII. RESPONSIBILITIES

- A. Trainers shall:
 - 1. Conduct each training session in a safe manner.
 - 2. Present the training topic and encourage open discussion of the scenario.
 - 3. Ensure each person trained signs and dates the training roster after completion of training.
 - 4. Notify the Simulator Training Coordinator of officers who may require additional training.

B. The Simulator Training Coordinator shall:

1. Prepare a training topic and training roster.
2. Maintain a master file of all simulator training topics / scenarios and completion of rosters.
3. Maintain computer records pertaining to the completion of simulator scenario training.
4. Maintain simulator equipment in proper working order.

Chapter	8
Section	8.21
Title	Weapons Systems/Use-Of-Force
Subject	Patrol Shotgun
Effective Date	05/27/16
Revision Date	05/02/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

III. PURPOSE

The implementation of lethal shotguns is to provide the Patrol/Investigations Divisions with another option to protect the community and themselves during high risk situations.

IV. POLICY

- A. Only Department issued 12 gauge shotguns will be used.
- B. Shotguns will be carried in police vehicles and loaded with 12 gauge "00 Buck".
- C. All shotgun inspections shall be conducted utilizing the safety barrel located near the police unit parking area north of the police building.
- D. Under no circumstances shall the police unit be left unattended unless the shotgun is securely mounted in the shotgun rack in a locked position.
- E. Malfunctions- Officers shall notify their Watch Commander immediately of any malfunction.

V. TRAINING

- A. Shotgun qualifications will be done twice yearly during the 1st and 3rd quarters.
- B. Any officer who fails to qualify will not be authorized to carry the lethal shotgun (if unable to qualify following reasonable remediation). Range Masters will be responsible for tracking and maintaining a training record.

VI. SHOTGUN STORAGE

- A. Shotguns will be loaded in a safe and proper manner (at the clearing barrel) to a position of "PATROL READY", prior to the start of each shift. "PATROL READY" means that the safety is in the "SAFE" position, the chamber is empty, the trigger pulled back and the magazine tube is fully loaded.

- B. Unless deployment is necessary, the shotgun will be kept secured in the unit shotgun rack.

VII. DEPLOYMENT

- A. Officers will deploy their shotguns in response to situations that require a need, or potential need, against armed or potentially armed suspects (i.e., long distances, suspects using body armor and/or high powered/high capacity weapons).
- B. After deploying the shotgun, the Officer will return the weapon to his/her unit, securing it in a proper manner. Prior to securing the shotgun, the shotgun will be returned to "PATROL READY".
- C. If the shotgun is fired, an investigation shall be conducted adhering to the guidelines as explained in Chapter 8 (8.10/8.11/8.12) of this manual.